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**SUBCHAPTER A. PRELIMINARY
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64.1. STATEMENT OF PURPOSE AND POLICY.

The purpose of this chapter is to establish and enforce uniform, fair, and equitable residential telephone service standards governing account payment and billing, credit and deposit practices, suspension, termination, and customer complaint procedures. The purpose of this chapter is to assure adequate provision of residential telephone service; to restrict unreasonable suspension or termination of or refusal to provide service; and to provide functional alternatives to suspension, termination, or refusal to provide service. Every privilege conferred or duty required by this chapter imposes an obligation of good faith, honesty, and fair dealing in its performance and enforcement. This chapter will be liberally construed to fulfill its purpose and policy and to ensure justice for all concerned.

64.2. DEFINITIONS.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

Applicant - A person who applies for residential telephone service, other than a transfer of service from one dwelling to another within the service area of the local exchange carrier or a reinstatement of service following a discontinuation or suspension.

Billing Period - A period of not less than 26 days and not more than 35 days except in the following circumstances:

(i) An initial bill for a new customer may be less than 26 days or greater than 35 days; however, the initial bill shall never exceed 60 days.

(ii) A final bill due to discontinuance or termination may be less than 26 days or greater than 35 days but may never exceed 42 days. A bill may be rendered after the final bill for an additional toll, lost equipment, or other similar charge.

(iii) Bills for less than 26 days or more than 35 days will be permitted if they result from a rebilling initiated by the company or by a customer dispute to correct a billing problem.

Commercial Service - Telephone service to a location other than a dwelling, except that service to a dwelling used for both residential and commercial purposes shall be considered commercial service if concurrent residential service is provided.

Customer - An applicant in whose name a residential service account is billed.

Delinquent Account - Charges for telephone service which have not been paid in full by the due date stated on the bill or otherwise agreed upon; however, the contested portion of an account shall not be deemed delinquent if, before the due date, payment arrangements with the local exchange carrier have been entered into by the customer, a timely filed notice of dispute is pending before the local exchange carrier, or an informal or formal complaint is timely filed with and is pending before the Commission.

Discontinuation of Service - The temporary or permanent cessation of service upon the request of a customer.

Dispute - A disagreement between an applicant, a customer, or a customer's designee and a local exchange carrier with respect to the application of this chapter - including, but not limited to - credit determinations, deposit requirements, the accuracy of amounts billed, or the proper party to be charged. If at the conclusion of an initial inquiry, the customer or the customer's designee indicates satisfaction with the resulting resolution or explanation, the contact will not be considered a dispute.

Dwelling - A house, apartment, or other location where a person resides.

Emergency - An unforeseen combination of circumstances requiring temporary discontinuation of service either to effect repairs or maintenance or to eliminate an imminent threat to life, health, safety, or property.

Interexchange Carrier - A public utility which provides interexchange telephone service, but does not provide local exchange telephone service.

Interexchange Service - The transmission of messages or communications by telephone between points which are not both within a local calling area as established in the tariff of a local exchange carrier.

Local Exchange Carrier - A public utility which provides local exchange service either exclusively or in addition to interexchange service.

Local Exchange Service - The transmission of messages or communications by telephone between points within a local calling area as established in the tariff of a local exchange carrier including but not limited to, installation service, providing access lines, dial tone lines, tone service, and handling of unpaid checks as addressed in 64.11 (relating to method of payment for local exchange service). Local exchange service shall not include premise visits for installation of new service.

Nonbasic Service - A service or product other than telephone service which is either offered or billed for by a local exchange carrier. The term includes, but is not limited to, the sale or lease of customer premises equipment, inside wiring maintenance plans, repair services, premises visits for service installation, call waiting services and call forwarding services.

Occupant - A person who resides at a location to which residential service is supplied.

Payment Agreement - A mutually satisfactory agreement between the customer and the local exchange carrier whereby a customer who admits liability for billed service is permitted to pay the unpaid balance of the account in one or more payments over a reasonable period.

Physician - An individual permitted under the statutes of the Commonwealth to engage in the practice of medicine and surgery or in the practice of osteopathy or osteopathic surgery.

Residential Service - Telephone service supplied to a dwelling, including service provided to a location used for both residential and commercial purposes if no concurrent commercial service is provided. The term does not include telephone service provided to a hotel or motel.

Suspension of Service - A temporary cessation of service without the consent of the customer.

Telephone Company - A public utility which provides telephone service subject to Commission jurisdiction.

Telephone Service - The transmission of messages or communications by telephone. The term includes both local exchange service and interexchange service.

Termination of Service - Permanent cessation of service after a suspension without the consent of the customer.

**SUBCHAPTER B. PAYMENT AND
BILLING STANDARDS**

64.11. METHOD OF PAYMENT.

Payment may be made in any reasonable manner including payment by personal check, unless the customer within the past year has tendered a check which has been returned by a financial institution for any reason for which the customer is at fault. When payment is made by personal check which is returned by a financial institution for any reason for which the customer is at fault, the local exchange carrier may impose a handling charge, the amount of which shall be set forth in the carrier's approved tariff. No handling charge shall be imposed if the customer stops payment due to a good faith billing dispute.

64.12. DUE DATE FOR PAYMENT

The due date for payment of a monthly bill shall be no less than 20 days from the date of mailing by the local exchange carrier to the customer.

(1) **Extension of due date to next business day.** If the last day for payment should fall on a Saturday, Sunday, or bank holiday or another day when the offices of the local exchange carrier which regularly receive payments are not open to the general public, the due date shall be extended to the next business day.

(2) **Date of payment by mail.** For a remittance by mail, one of the following applies:

(i) Payment shall be deemed to have been made on the date of the postmark.

(ii) The local exchange carrier shall not impose a late payment charge unless payment is received more than 5 days after the due date.

(iii) The local exchange carrier may not mail or deliver notice of suspension until at least 5 days after the stated due date.

(3) **Date of payment to branch office or authorized payment agent.** The effective date of payment to a branch office or authorized payment agent is the date of actual payment at that location.

(4) **Multiple notifications.** When a local exchange carrier advises a customer by multiple notices or contacts and they contain different due dates, the date on or before which payment is due shall be the latest date contained in the notices listed in this section.

64.13. BILLING FREQUENCY.

A local exchange carrier shall render a bill once every billing period to customers in accordance with approved rate schedules.

64.14. BILLING INFORMATION.

(a) Every bill rendered shall state clearly the following information:

- (1) The date of the bill.
- (2) The due date on or before which payment must be received to avoid an account being considered delinquent.
- (3) The beginning and ending dates of the billing period for service, excluding toll usage and equipment.
- (4) The amount due for service and equipment during the current billing period, and the charges for toll service, local usage, taxes and applicable surcharges.
- (5) An itemized statement of toll charges listing the date, time, destination, duration, and rate period for each toll call.
- (6) Amounts for security deposits owed by or credited to existing customers. This amount shall be separately stated on each bill if a security deposit remains unpaid.
- (7) The total amount of all payments and other credits made to the account during the current billing period.
- (8) The amount of late payment charges.
- (9) The total amount due.
- (10) A statement directing the customer to register a question or complaint about the bill prior to the due date, with the address and telephone number where the customer may direct questions or complaints.
- (11) A statement that a rate schedule, an explanation of how to verify the accuracy of a bill, and an explanation of the various charges, if applicable, can be obtained by calling the local business office of the local exchange carrier.

(b) At least annually, and upon request of the customer, the local exchange carrier shall provide an itemization of all service equipment and other recurring charges.

(c) Upon request for new or additional services, the local exchange carrier shall inform the customer of the monthly recurring charge for service and each item of equipment ordered by the customer and shall provide a minimum and maximum estimate of applicable non recurring charges. The local exchange carrier shall maintain a record of the estimates given for 90 days. The local exchange carrier shall have available a printed explanation of alternative rates and services.

(d) Every final bill shall contain a statement that a subsequent bill will be rendered if needed to collect charges, such as additional tolls or lost equipment.

64.15. ADVANCE PAYMENTS.

Payment may be required before furnishing any of the following services:

(1) The construction of facilities and furnishing of special equipment.

(2) Temporary Service for short term use.

64.16. ACCRUAL OF LATE PAYMENT CHARGES

(a) A local exchange carrier is prohibited from levying or assessing a late payment charge on an overdue bill in an amount which exceeds 1.25% per month on the full unpaid and overdue balance of the bill. These charges are to be calculated only on the overdue portions of the bill. The rate, when annualized, shall not exceed 15% per annum - computed by the simple interest method - and shall not include previously accrued late payment charges. A late payment charge shall not be assessed against an outstanding security deposit.

(b) No additional charge, fixed fee, or penalty designed to recover the cost of a subsequent rebilling shall be charged.

64.17. PARTIAL PAYMENTS.

(A) Payments received by a local exchange carrier which are insufficient to pay the balance due for telephone service and non basic services shall first be applied to telephone service.

(b) Payments received by a local exchange carrier which are insufficient to pay the amount due for telephone service shall first be applied to local exchange service.

(c) This section shall not apply if the customer supplies written instructions specifying how a partial payment should be applied.

64.18. APPLICATION OF PARTIAL PAYMENTS BETWEEN PAST AND CURRENT BILLS

In the absence of written instruction, or a disputed bill or a payment arrangement, payments received by the local exchange carrier which are insufficient to pay a balance due both for earlier services and for services billed during the current billing period shall first be applied to the balance due for earlier services, including late payment charges.

64.19. REBILLING.

(a) **Underbilling.** A local exchange carrier may issue a make-up bill for unbilled services resulting from billing error accrued within 4 years of the date of the bill under the following conditions:

(1) The local exchange carrier shall provide the ratepayer with a written explanation of the reason for the make-up bill and a statement that the customer may spread the payments over a period, as described in paragraph (2).

(2) The payment period may, at the option of the customer, be at least as long as the period during which the excess amount accrued or at least as long as necessary so that the total amount billed in 1 month is not greater than the average amount billed for 1 month, plus 50%, whichever period is greater. A late payment charge may not be assessed on unbilled service when payments are made as described in this subparagraph.

(b) **Overbilling.** When an overbilling occurs, the local exchange carrier shall credit the customer's account in the amount of the overbilling, including applicable taxes..for a period up to 4 years before discovery of the overbilling, unless the customer requests reimbursement in one lump sum. A charge, in the amount stated in 64.16 (relating to accrual of late payment charges), shall be paid on the overbilled amount where at least 30 days have elapsed between payment of the overbilled amount and the credit or refund thereof.

(c) **Rebilling.** The local exchange carrier shall notify the Commission of rebilling affecting more than 10% of its residential customers within 90 days of the rebilling.

64.20. TRANSFER OF ACCOUNT.

(a) In the event of termination or discontinuance of service within the last 4 years, the local exchange carrier may transfer an outstanding amount due to a new or existing residential service account of the same customer.

(b) In the event of discontinuance of service, the local exchange carrier may continue pending termination procedures at a new or existing residential service account of the same customer.

(c) In the event of a termination of service, the local exchange carrier may transfer to the account of a third party guarantor an amount not to exceed the limit of the guarantee.

64.21. SEPARATE BILLING FOR NONBASIC SERVICE, INTEREXCHANGE SERVICE, AND LOCAL EXCHANGE SERVICE.

(a) Charges for nonbasic service, interexchange service, and local exchange service shall be billed separately.

(b) A customer's failure to pay charges for nonbasic service shall not be a basis for termination of local exchange service.

(c) A customer's failure to pay charges for interexchange service shall not be a basis for termination of local exchange service unless the local exchange carrier is technically unable to terminate interexchange service without also terminating local exchange service.

64.22. BILLING SERVICE FOR INTEREXCHANGE CARRIERS.

A local exchange carrier may provide billing services for interexchange carriers under the following conditions:

(1) The local exchange carrier assumes responsibility for settling disputes involving accounts receivable which it purchases.

(2) The local exchange carrier applies its deposit rules.

**SUBCHAPTER C. CREDIT AND
DEPOSIT STANDARDS POLICY**

64.31. POLICY STATEMENT.

An essential ingredient of the credit and deposit policies of each local exchange carrier shall be the equitable and nondiscriminatory application of those precepts to potential and actual customers throughout the service area without regard to the economic character of the area or a part thereof. Deposit policies shall be based on the credit risk of the applicant or customer rather than upon the credit history of the affected premises or upon the collective credit reputation or experience in the area in which the applicant or customer lives without regard to race, religion, gender, age if over 18, national origin, or marital status.

64.32. CREDIT STANDARDS

A local exchange carrier shall provide residential service without requiring a deposit when the applicant satisfies one of the following requirements:

(1) Earlier local exchange carrier payment history. The applicant had service with a local exchange carrier within a period of 24 consecutive months - 12 consecutive months until January 1, 1986 - before the date of application and all of the following exist:

(i) Service was furnished in the name of the applicant, and there is no unreturned equipment.

(ii) Service was not suspended for nonpayment nor terminated during the last 12 months of service.

(iii) The applicant does not have an unpaid balance from earlier service.

(iv) The applicant was not required to pay a security deposit under 64.35 (relating to deposit requirements for existing customers) for the earlier service.

(2) Ownership of real property. The applicant verifies the ownership of or the entry into an agreement to purchase real property located in the area serviced by the local exchange carrier or is renting a residence under a lease of 1 year or longer in duration, unless the applicant has an otherwise unsatisfactory payment history as a local exchange carrier customer within 2 years before the application for service, as described in paragraph (1).

(3) **Prior utility payment history.** The applicant has prior satisfactory credit history for use of utility service under 56.32 (relating to credit standards). In all instances, the utility must obtain from the applicant authorization as a condition for completing the utility credit search. If the applicant elects not to authorize completion of the credit search, the utility shall conduct a credit search in the manner prescribed under paragraph (4) of this section.

(4) **Credit information.** The applicant provides information and verification demonstrating that he is not an unsatisfactory credit risk.

(i) The absence of prior credit history does not, of itself, indicate an unsatisfactory credit risk and shall not constitute grounds for requiring a deposit.

(ii) The local exchange carrier may request and consider information including but not limited to: applicant's social security number, name of the employer of the applicant, place and length of employment, residence during the previous 5 years, letters of reference, credit cards and a significant source of income other than from employment.

(iii) If a credit investigation is expected to take longer than 3 business days the local exchange carrier shall provide service pending completion of the investigation.

64.33. PAYMENT OF OUTSTANDING BALANCE.

(a) The local exchange carrier may require, as a condition for furnishing residential service to an applicant, the payment of an outstanding residential account with the local exchange carrier which accrued within the past 4 years, for which the applicant is legally responsible and for which the applicant was billed properly. However, the outstanding residential account with the local exchange carrier may be spread out over a reasonable period of time. Factors to be taken into account shall include, but not be limited to, the size of the unpaid balance, the payment history of the customer, and the length of time over which the bill accumulated.

(b) A local exchange carrier may not require, as a condition for the furnishing of residential service, payment for residential service previously furnished under an account in the name of persons other than the applicant unless a court, district justice or administrative agency has determined that the applicant is legally obligated to pay for the service previously furnished.

(c) This section shall not affect the creditor's rights and remedies of the local exchange carrier otherwise permitted by law.

64.34. WRITTEN PROCEDURES.

Each local exchange carrier shall establish written procedures for determining the credit status of an applicant. Each local exchange carrier employee processing applications or determining the credit status of an applicant shall be familiar with and have ready access to a copy of the written procedures of the local exchange carrier. A copy of the procedures shall be maintained on file in each business office of the local exchange carrier and be made available, upon request, for inspection by the public and the Commission.

(1) **Informing applicants of procedures.** The local exchange carrier personnel shall fully explain the credit and deposit procedures to each customer or applicant for service.

(2) **Reasons for deposit request.** If a deposit or payment of an outstanding residential account is required before furnishing service, the local exchange carrier shall inform the applicant in writing of the reasons for denial of credit and how to obtain service. Existing customers will be informed of the reasons for denial of credit before suspension of service.

64.35. DEPOSIT REQUIREMENTS FOR EXISTING CUSTOMERS.

Deposits may be required to secure the account of an existing customer if any of the following conditions exist:

(1) **Delinquent account.** A customer has made payment of two consecutive bills, or of more than two bills within the preceding 12 months, after the payment due date. Before requesting a deposit under this paragraph, the local exchange carrier shall give the customer written notification of its intent to request a deposit if current and future bills continue to be paid after the due date.

(i) Notification shall clearly indicate that a deposit is not required at this time but that, if bills continue to be paid after the due date, a deposit will be required.

(ii) Notification may be mailed or delivered to the customer together with a bill for telephone service.

(iii) Notification shall set forth the address and telephone number of the local exchange carrier office where complaints or questions may be registered.

(iv) The subsequent request for deposit shall clearly indicate that a customer should register a question or complaint about that matter prior to the date the deposit is due in order to

avoid having service suspended pending resolution of a dispute. The request shall include the telephone number of the local exchange carrier office where questions or complaints may be registered.

(2) **Condition to the reconnection of service.** A local exchange carrier may require a deposit as a condition for reconnection of service after suspension or termination of service for nonpayment.

(3) **Failure to comply with payment agreement.** A local exchange carrier may require a deposit when a customer fails to comply with the terms and conditions of a payment agreement, whether or not service has been suspended or terminated.

64.36. METHOD OF MAKING A DEPOSIT

A local exchange carrier's request for deposit may be satisfied by one of the following:

(1) **Posting a cash deposit.** The following conditions shall apply:

(i) **Applicants.** The amount of cash deposit required from an applicant shall not exceed the estimated average 2 month bill for local exchange service plus the average 2 month interexchange charges for existing residential customers in the applicant's exchange during the immediately preceding 12 month period. Deposits may be adjusted to maintain a level equal to the estimated average 2 month bill. No more than one half of the deposit amount may be required prior to the providing of service by the utility with the balance of the deposit due no less than 30 days from the initial deposit payment.

(ii) **Existing customers.** The amount of a cash deposit required from an existing customer shall not exceed the customer's average 2 month bill, including toll charges, during the preceding 12 month period. Deposits may be adjusted to maintain a level equal to the average 2 month bill. The deposit shall be paid within 20 days of the request for deposit.

(2) **Furnishing a written, third-party guarantee.** Another customer who has met or can meet the credit standards of 64.32 (relating to credit standards) may furnish a written guarantee to secure payment in an amount equal to the cash deposit required from the applicant or customer. The guarantor shall be discharged when the applicant or customer meets the terms and conditions of 64.37 (relating to refund of deposits).

64.37. REFUND OF DEPOSITS.

A local exchange carrier shall refund the cash deposit, plus accrued interest, under the following conditions.

(1) **Termination or permanent discontinuance of service.** Upon termination or discontinuance of service, the local exchange carrier shall apply the deposit of a customer, including accrued interest, to the outstanding balance and refund the remainder to the customer. A transfer of service from one location to another within the service area shall not be deemed a discontinuance within the meaning of the paragraph.

(2) **Credit established.** At the customer's request, when a customer establishes credit under 64.32 (relating to credit standards), the local exchange carrier shall refund the cash deposit plus accrued interest.

(3) **Prompt payment of bills.** After a customer has paid bills for service for 12 consecutive months without having service suspended or terminated and without having paid bills subsequent to the due date on more than two occasions, the local exchange carrier shall refund the cash deposit, plus accrued interest, so long as the customer is not currently delinquent.

(4) **Optional refund.** At the option of the local exchange carrier, a cash deposit, including accrued interest, may be refunded, in whole or in part, at any time before the expiration of the time period stated in paragraph (3).

64.38. APPLICATION OF DEPOSIT TO BILLS.

The customer may elect to have a deposit applied to reduce bills for telephone service instead of a cash refund.

64.39. PERIODIC REVIEW.

If a customer is not entitled to a refund under 64.37 (relating to refund of deposits), the local exchange carrier shall review the account of the customer each succeeding quarter and shall make appropriate disposition of the deposit in accordance with 64.37 and 64.38 (relating to refund of deposits and application of deposit to bills).

64.40. REFUND STATEMENT.

When a cash deposit is refunded, the local exchange carrier shall either mail or deliver to the customer a written statement showing the amount of the original deposit plus all accrued interest, the application of the deposit to a bill which had previously accrued, the amount of unpaid bills liquidated by the deposit, and the remaining balance.

64.41. INTEREST.

Interest at the rate of 9.0% "per annum" shall be payable on all deposits without deductions for taxes thereon. Interest shall be paid annually to the customer or, at the option of either the local exchange carrier or the customer, shall be applied to the customer's bill.

**SUBCHAPTER D. INTERRUPTION
AND DISCONTINUATION OF SERVICE.**

64.51. TEMPORARY INTERRUPTION.

The local exchange carrier may temporarily interrupt service when necessary to effect repairs or maintenance; to eliminate an imminent threat to life, health, safety or substantial property damage; or for reasons of local, State, or National emergency. Each local exchange carrier shall establish procedures to be followed by its employees to prevent or mitigate interruption or impairment and provide prompt notification to affected customers.

(1) **Notification procedures.** Where the local exchange carrier knows in advance of the circumstances requiring the service interruption, it shall take all reasonable steps, such as personal contact and use of the mass media, to give earlier notice of the cause and expected duration of the interruption to all customers who may be affected. Where service is interrupted due to unforeseen circumstances, notice of the cause and expected duration shall be given as soon as possible thereafter.

(2) **Permissible duration.** Service may be interrupted only as long as necessary to protect the health or safety of the public, to protect property, or to remedy the situation which necessitated the interruption. Service shall be resumed as soon as possible thereafter.

64.52. REFUNDS FOR SERVICE INTERRUPTIONS.

(a) When main service is interrupted for a period of at least 24 hours, the local exchange carrier, after notice by the customer, shall apply the following schedule of allowances except in situations provided for in subsection (b):

(1) One-thirtieth of the tariff monthly rate of all services and facilities furnished by the company rendered inoperative, useless, or substantially impaired for each of the first three full 24 hour periods during which the interruption continues after notice by the customer to the company if the out-of-service extends beyond a minimum of 24 hours.

(2) Two-thirtieths of the tariff monthly rate for each full 24 hour period beyond the first three 24 hour periods referred to in paragraph (a). However, in no instance shall the allowance for the out-of-service period exceed the total charges in a billing period for the service and facilities furnished by the company rendered useless or impaired.

(b) When service is interrupted for a period of at least 24 hours due to storms, fires, floods, or other conditions beyond the control of the company, an allowance of 1/30 of the tariff monthly rate for all services and facilities furnished by the company rendered inoperative or substantially impaired shall apply for each full 24 hours during which the interruption continues after notice by the customer to the company.

(c) The allowances described in this section shall not be applicable where service is interrupted by the negligence or willful act of the customer to service or where the company, under the terms of the contract for service, suspends or terminates service for nonpayment of charges, or for unlawful or improper use of the facilities or service, or for another reason provided for in the filed and effective tariff.

64.53. DISCONTINUANCE OF SERVICE.

A customer who wishes to have service discontinued shall give at least 5 days oral or written notice to the telephone company, specifying the date on which it is desired that service be discontinued. The customer shall retain responsibility for service and equipment charges until the day and time on which service is requested to be discontinued. If the customer fails to provide the local exchange carrier with proper notice or access to the premises, the customer shall continue to be responsible for all equipment and service rendered.

**SUBCHAPTER E. SUSPENSION OF
SERVICE**

GROUND'S FOR SUSPENSION

64.61. AUTHORIZED SUSPENSION OF SERVICE.

Telephone service to a dwelling may be suspended for any of the following reasons:

(1) Nonpayment of an undisputed delinquent account or the undisputed portion of an account where a dispute exists as to part but not all of an amount billed by the local exchange carrier.

(2) Failure to post a deposit, provide a guarantee, or establish credit.

(3) Unreasonable refusal to permit access to service connections, equipment, and other property of the local exchange carrier for maintenance or repair.

(4) The use of service so as to interfere with or impair the use of service rendered to other customers.

(5) Failure to comply with the material terms of a payment agreement.

(6) Fraud or material misrepresentation of identity to obtain telephone service.

(7) Violation of tariff provisions on file with the Commission so as to threaten the safety of a person or the integrity of the service delivery system of the local exchange carrier.

(8) Unpaid indebtedness for telephone service previously furnished by the local exchange carrier in the name of the customer within 4 years of the date the bill is rendered.

64.62. DAYS SUSPENSION OR TERMINATION OF SERVICE ARE PROHIBITED.

Except for emergency situations, suspension or termination of service for nonpayment of charges shall not commence on any of the following:

(1) Saturday or Sunday.

(2) A bank holiday.

(3) A holiday observed by the local exchange carrier. A holiday observed by the local exchange carrier means a day when the business office of the company is closed.

64.63. UNAUTHORIZED SUSPENSION OF SERVICE.

Unless expressly and specifically authorized by the Commission, local exchange service shall not be suspended and a suspension notice shall not be sent for any of the following reasons:

- (1) Nonpayment for nonbasic services.
- (2) Nonpayment of delinquent fees for interexchange service where the local exchange carrier is technically capable of terminating interexchange service without also terminating local exchange service.
- (3) Nonpayment for commercial service received at the same or different location.
- (4) Nonpayment of delinquent charges based on previously unbilled telephone service resulting from local exchange carrier billing error if these charges exceed the otherwise normal, average bill by 50%. This paragraph shall not prohibit suspension where the local exchange carrier reviews the charges with the customer and offers to enter into a payment agreement which, at the option of the customer, may extend at least as long as necessary to ensure that the bill in one billing period will not be greater than the normal average bill for the period plus 50%.
- (5) Noncompliance with the payment agreement before the date set for payment in the payment agreement.
- (6) Nonpayment of charges for telephone service furnished more than 4 years before the date the bill is rendered.
- (7) Nonpayment for residential service already furnished in the name of persons other than the customer unless a court, district justice, or administrative agency has determined that the customer is legally obligated to pay for the service previously furnished. This paragraph shall not affect the creditor's rights and remedies of the local exchange carrier otherwise permitted by law.
- (8) Nonpayment of a delinquent account which accrued within the two most recent billing periods and which amounts to a total arrearage of less than \$20 unless the arrearage represents the balance of a broken payment agreement.
- (9) Evidence that full payment of all delinquent accounts has been made.
- (10) Certification in accordance with 64.101 - 64.103 (relating in general provision, postponement of suspension pending receipt of certificate).

**NOTICE PROCEDURES PRIOR
TO SUSPENSION**

64.71. GENERAL NOTICE PROVISIONS.

The local exchange carrier shall mail or deliver written notice to the customer at least 7 days before the date of proposed suspension regardless of the grounds upon which suspension is sought.

64.72. SUSPENSION NOTICE INFORMATION.

A notice of suspension shall clearly and fully include the following information, where applicable, in conspicuous print:

- (1) The reason for the proposed suspension.
- (2) A statement of amounts currently due, and of a required deposit.
- (3) A statement that a specific reconnection fee will be required to have service restored after it has been suspended if the reconnection fee is a part of the approved tariff of the local exchange carrier.
- (4) The date on or after which service will be suspended unless one of the following occurs:
 - (i) Payment is received in full.
 - (ii) The grounds for suspension are otherwise eliminated.
 - (iii) A payment agreement is entered into.
 - (iv) A dispute is filed with the local exchange carrier.
- (5) A statement that the customer should immediately contact the local exchange carrier to attempt to resolve the matter, including the mailing address and telephone number where questions may be filed and payment agreements entered into with the local exchange carrier.
- (6) A medical emergency notice substantially in compliance with the form as set forth in Appendix A.

64.73. NOTICE WHEN DISPUTE PENDING.

(a) A local exchange carrier shall not mail or deliver a notice of suspension if a notice of dispute, as defined in 64.2 (relating to definitions), has been filed and is unresolved and if the subject matter of the dispute forms the grounds for the proposed suspension except where interexchange usage exceeds the following usage in a billing period after the filing of the notice of dispute or informal complaint:

(1) For customers who have received service for 3 months or less - 150% of the average use of the customer's exchange during the previous 12 months.

(2) For customers who have received service for greater than 3 months but less than 12 months - 150% of the customer's average use.

(3) For customers who have received service for more than 12 months - 150% of the customer's average use during the previous 12 months.

(b) A notice mailed or delivered contrary to the requirements of this section shall be void.

64.74. PROCEDURES UPON CUSTOMER CONTACT BEFORE SUSPENSION.

(a) If, at a time after the issuance of the suspension notice and before the suspension of service, a customer contacts the local exchange carrier concerning the proposed suspension, an authorized local exchange carrier employee shall fully explain, where applicable, some or all of the following;

(1) The reasons for the proposed suspension.

(2) All available methods of avoiding a suspension including:

(i) Tendering payment in full or otherwise eliminating the grounds for suspension.

(ii) Entering a payment agreement.

(iii) The right of the customer to file a dispute with the telephone company and, thereafter, an informal complaint with the Commission.

(3) The procedures for resolving disputes and informal complaints, including the address and the telephone number of the nearest regional Commission office.

(4) The duty of the customer to pay a portion of a bill not honestly disputed.

(5) The duty of the customer to restrict interexchange usage to 150% of average normal interexchange usage.

(6) The medical emergency procedures.

(7) That upon failure to timely appeal from or comply with a telephone company report, as defined in 64.142 (relating to contents of written summary by the local exchange carrier), an informal complaint report, or an order from a formal complaint - the local exchange carrier is not required to give further written notice before suspension so long as the local exchange carrier makes a reasonable attempt to contact the customer personally at least 24 hours prior to suspension.

(b) The local exchange carrier, through its employees, shall exercise good faith and fair judgment in attempting to enter into a reasonable payment agreement regarding undisputed amounts or to otherwise equitably resolve the matter. Factors to be taken into account when attempting to make a reasonable payment agreement shall include but not be limited to the size of the unpaid balance, the payment history of the customer, and the length of time over which the bill accumulated. The local exchange carrier may not suspend service for an undisputed delinquent bill under either of the following conditions:

(1) While it is negotiating a payment agreement with the customer.

(2) Within 24 hours after negotiation fails, except where interexchange usage increases by \$25 or more after the initial customer or customer designee contact.

64.75. EXCEPTION FOR SUSPENSION BASED ON OCCURRENCES HARMFUL TO PERSON OR PROPERTY.

Notwithstanding another provision of this chapter, when a suspension is based on an occurrence which endangers the safety of a person or appears likely to prove physically harmful to the service delivery system of the local exchange carrier, the telephone company need give no written notice before suspension if the local exchange carrier honestly and reasonably believes the grounds do exist. At the time of suspension, the local exchange carrier shall mail a notice of suspension to the customer's billing address.

**NOTICE PROCEDURES AFTER
DISPUTE FILED**

64.81. LIMITED NOTICE UPON NONCOMPLIANCE WITH REPORT OR ORDER.

Upon the failure to timely appeal from or comply with a local exchange carrier report, an informal complaint report, or an order from a formal complaint, the original grounds for suspension shall be revived and the local exchange carrier shall not be required to give further written notice before suspension if the telephone company makes a reasonable attempt to contact the customer personally at least 24 hours before suspension.